

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KYTCH, INC.,

Plaintiff,

v.

MCDONALD'S CORPORATION,

Defendant.

C.A. No. 22-279-MN

**DECLARATION OF KRISTOPHER R. WOOD IN SUPPORT OF MCDONALD'S
CORPORATION'S MOTION TO DISMISS OR FOR A MORE DEFINITE
STATEMENT AS TO BUS & PROF CODE § 17200 CLAIM**

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*Attorneys for Defendant
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I, Kristopher Ray Wood, hereby declare as follows:

1. I am an associate at the law firm of Orrick, Herrington & Sutcliffe LLP, counsel of record for McDonald's Corporation ("McDonald's") in the above-captioned case (the "Litigation"). I am an attorney at law admitted to practice law before all the courts of the State of California and am admitted *pro hac vice* in the Litigation. I have personal knowledge of the facts stated herein, and if called as a witness to testify, I could and would competently testify to them. I respectfully make this declaration in support of McDonald's' Motion to Dismiss or for a More Definite Statement as to Bus. & Prof. Code §17200 Claim.

2. Attached hereto as **Exhibit 1** are true and correct copies of a November 3, 2020 email representing McDonald's' Field Brief for the week of November 2, 2020, and the document housed at the link for "More Information" under the heading "Taylor Shake Sundae Connectivity & Kytch Technology Update," which Plaintiff Kytch, Inc. ("Kytch") quotes from in its Complaint and upon which Kytch relies to support its claims premised on alleged false statements contained therein. I have removed hyperlinks to certain additional information to render them inaccessible. Because the document contains extraneous confidential information, I have attached a redacted copy that provides the information pertinent to the issues in the briefing, but McDonald's will file a full unredacted version of the document under seal should the Court find it helpful.

3. Kytch has sued, *inter alia*, Taylor Commercial Foodservice, LLC, dba Taylor Company, Jonathan Tyler Gamble, and TFGGroup LLC in the California Superior Court for Alameda County, in a case captioned *Kytch, Inc. v. Gamble et al.*, RG21099155 (the "Alameda Action"). The public records of the Alameda Action are accessible via the Alameda Superior Court's website.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the publicly filed version of Kytch's Complaint in the Alameda Action. I have omitted the exhibits to Kytch's Complaint in the Alameda Action from Exhibit 1 due to the voluminous nature of the document. Orrick personnel acting under my direction and control downloaded Exhibit 2 from the Alameda Superior Court's website.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the publicly available version of a March 4, 2022 order by Hon. Michael Markman of the Alameda Superior Court granting in part and denying in part Kytch's request for preliminary injunction. Orrick personnel acting under my direction and control downloaded Exhibit 3 from the Alameda Superior Court's website.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the publicly filed version of the Declaration of Daniel P. Watkins in support of Kytch's Motion for Leave to File First Amended Complaint, filed on March 24, 2022 in the Alameda Action, including Exhibit A thereto (a copy of the proposed First Amended Complaint). I have omitted Exhibit B (a redline of changes from the original Complaint in the Alameda Action) due to the voluminous nature of the document. Orrick personnel acting under my direction and control downloaded Exhibit 4 from the Alameda Superior Court's website.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct. Executed on this 22nd day of April, 2022.



Kristopher R. Wood
Orrick, Herrington &
Sutcliffe, LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 22, 2022, a copy of the foregoing document was served on the persons listed below in the manner indicated:

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